MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1462 OF 2007

CHANDRAKANT SHANKAR MAYEKAR .. PETITIONER

Vs.

HOUSING DEVELOPMENT FINANCE CORPORATION .. RESPONDENTS

Mrs. B. P. Jakhade for petitioner

Ms. Agnes Baradia i/b Thakore Jariwala & Asso. for R-1.

CORAM: **SMT. RANJANA DESAI &**

SMT. R. S. DALVI, JJ.

DATED: AUGUST 4, **2007**.

P.C.

. We have heard the learned counsel for the petitioner and learned counsel for respondent 1.

2. The learned counsel for respondent 1 states that 1st respondent will take symbolic possession of the secured asset being the flat in Bhaktiyog Co-op. Housing Society Ltd. (Phillips Grace), Wing B, Vilage Sopara, Laxmiben Chedda Marg, Nalasopara (W), Thane - 401 203, within a period of one week from today.

3. The learned counsel for the petitioner states that the petitioner will file an appeal before the Debt Recovery Tribunal ("D.R.T." for short) under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. within a period of five weeks from today.

4. Needless to say that if such an appeal is filed, the D.R.T. shall deal with it in accordance with law. For a period of five weeks the 1st respondent shall not physically dispossess the petitioner.

5. We make it clear that we have not dealt with the merits of the case and the D.R.T. shall deal with the matter independently.

6. In view of the above, petition is disposed of.

JUDGE

JUDGE